

Rohingya Crisis and Its Solution

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Introduction

The global refugee crisis is an ongoing concern, with the United Nations High Commissioner for Refugees (UNHCR) reporting a sharp increase in effectively displaced populations from 59.5 million in 2014 to 65.3 million in 2015.ⁱ Under international law, a refugee is defined as someone who lives outside his or her country of nationality or usual residence, who is able to show a well-founded fear of persecution on specific grounds, and who lacks protection from their country.ⁱⁱ The definition of displaced individuals as a result of persecution overlaps considerably with that of stateless persons, who are described as individuals not considered as a national by any state. Accessing basic rights such as healthcare, employment, education and freedom of movement is often impossible for stateless people. Lack, denial or loss of nationality underlies the exclusion of affected individuals from membership in the community, to the point of instigating discrimination and oppression in certain cases. There are approximately 10 million stateless people, and approximately 1.5 million people who are refugees in addition to being stateless. (Milton., et al., 2017)

In Today's World, the immediacy of humanitarian crises tends to bar a deeper interest in the complexity of the historical roots of a conflict. The deteriorating situation of the Muslim minority in the Rakhine state of Myanmar, a group now extensively known as the Rohingya, is a case in point. They have been presented as one of the most persecuted minority in the world due to a track record of human rights violations, while the local Islamic history and the emergence of Muslim nationalism at the margins of Muslim Bengal (East Pakistan/Bangladesh) and Buddhist Burma (Myanmar) has barely begun to inform international understanding of the regional conflict. In the case of the Rohingya crisis since 2012, it bears the risk of encapsulating people and isolating them from their historical context. Rohingya crisis is a case that has been tried by the International Court of Justice. This is the first case where a head of state (An Swan Suki) of a country appeared before the International Court of Justice. The Rohingya entered the awareness of a global audience in 2012 when communal violence led to the internal displacement of tens of thousands of Muslims and the death of several hundred in the Rakhine State of Myanmar. Thousands more died in mid-2017 under the brutal onslaught of military attacks. Muslim Rohingya victimhood due to human rights violations blamed on the Myanmar state was there after firmly anchored in the minds of millions of people who had never heard about the claims and grievances of the Rohingya.

Myanmar

Myanmar once was known as Burma. Myanmar is a country in south-east Asian. It is bounded by china in North, India in North - west, Indonesia, Laos in South- east. It is a multi-religious country. There capital is Naypyidaw and currency is Kyat. There is no official state religion but the government shows preference for Theravada Buddhism. It is not a country either of or for any particular group – be they are the majority Bamar (Burman), the minority Shan, Kachin, Kayah, Kayin, Rohingya, Rakhine, Mon, Karen, Chinese, Indians, or whatever. And yet, time and again, this time-honored realization is either forgotten or deliberately ignored. (Siddiqui.H., 2018) Meanwhile, in religious background, there are almost 90 percent of 54,584,700 of Myanmar are Buddhist from Theravada denomination, 4 percent are Muslims and Christianity respectively, and remaining are the others; including a small minority of the Jewish population.ⁱⁱⁱ



Myanmar Rakhine State

Rakhine or Arakan once a sovereign and independent State is now one of the states of the Myanmar. The Rakhine State comprises a strip of land along the eastern coast of the Bay of Bengal from the Naf River to Cape Negaris and stretches north and south

touching Bangladesh on the Northwest. The river Naf separates it from Chittagong region of Bangladesh.¹ It is cut off from Burma by a range of near impassable mountains known as Arakan Yomas running north to south, which was an obstacle against permanent Muslim conquest. The northern part of Arakan, today called the “North Arakan,” was point of contact with East Bengal.

The Rakhine yoma separated Rakhine state from central Myanmar. Rakhine state has an area of 20,000 square miles. It is the centre of Rohingya genocide.

The Rakhine region in Myanmar extends some six hundred kilometers along the eastern coast of the Bay of Bengal. It is separated from the rest of Myanmar by a mountain range that for centuries impeded permanent conquest of that country but permitted occasional inroads and contacts between Bengal (present day Bangladesh) and Myanmar. The northern part of Rakhine, the Mayu region, was a route of contact between Myanmar and eastern Bengal. These geographical factors largely account for the distinct character and development of the Rakhine region—both generally and in terms of its Muslim population, which was a separate kingdom until conquered by the Burmese in 1784. From the fourteenth to the eighteenth centuries, the history of Rakhine was closely linked to that of Muslim Bengal. Rakhine came under British administration in 1826, joined the Union of Burma in 1948, and was constituted as the Rakhine “state” in 1974.

Rakhine state is Myanmar’s least developed state, with a poverty rate of 78 percent widespread poverty, poor infrastructure and a lack of employment opportunity.

Today the Muslims of Arakan call the country ‘Rohang’ or ‘Arakan’ and call themselves ‘**Rohingya**’ or native of Rohang. The Maghs call themselves ‘Rakhine’ and call the country ‘Rakhine Pye’ or country of Rakhine. Possibly the history of Arakan can be classified in the following manner into 10 periods: (1) 100-788 AD (Some Hindu dynasties), (2) 788-957 AD (Chandra Hindu dynasty), (3) 957-1430 (A Chaotic period of Mongolians, Buddhists and Muslims), (4) 1430-1784 AD (Mrauk-U dynasty of Muslims & Buddhists), (5) 1784-1826 AD (Burmese Buddhist Rule), (6) 1826-1948 AD (British Colonial Rule), (7) 1948-1962 (Parliamentary Democracy Rule), (8) 1962-1974 AD (Revolutionary Military Government Rule), (9) 1975-1988 (One Party Socialist Program Party Government Rule), (10) 1988-1999 (SLORC/SPDC Military Government Rule.)



Rohingya

Though the Rohingya issue actually exists, it is not so simple to answer the question that the Rohingya are. One Rohingya historian who is an activist in Bangladesh explains that the origin of the name "Rohingya" derived from "Rohan", "Roham" or "Rosham", which in all cases were the old name of the capital of the ancient Arakan Kingdom, Mrauk-U, that is present Mrohaung. He explains that those names have changed to "Roshangee" and finally to "Rohingya."^{iv} Another sources, we know, the term Rohingya is used to distinguish an ethnic, linguistic and religious group who lived in the former Arakan State of Myanmar. Rohingya people are officially stateless and disowned by the Myanmar government, which argues that Rohingya are not Myanmar citizens and that they came originally from Bangladesh (MSF, 2010; Ahmed, 2010). The United Nations has described the Rohingya of Myanmar as one of the world’s most persecuted people, with their situation being compared to that of the Palestinians or Roma, yet their situation has been rarely publicized by the Western media and their plight little understood by the outside world. So who are the Rohingya and why are they in such dire straits? One concise definition is that of an IRIN News briefing document which states: —The Rohingya are a Muslim minority ethnically related to the Bengali people living in neighboring Bangladesh's Chittagong District. They form 90 percent of the one million people living in the north of Rakhine State in Myanmar, which borders Bangladesh .Associated Press writer Todd Pitman gives us a harsher —They have been called ogres and animals, terrorists and much worse

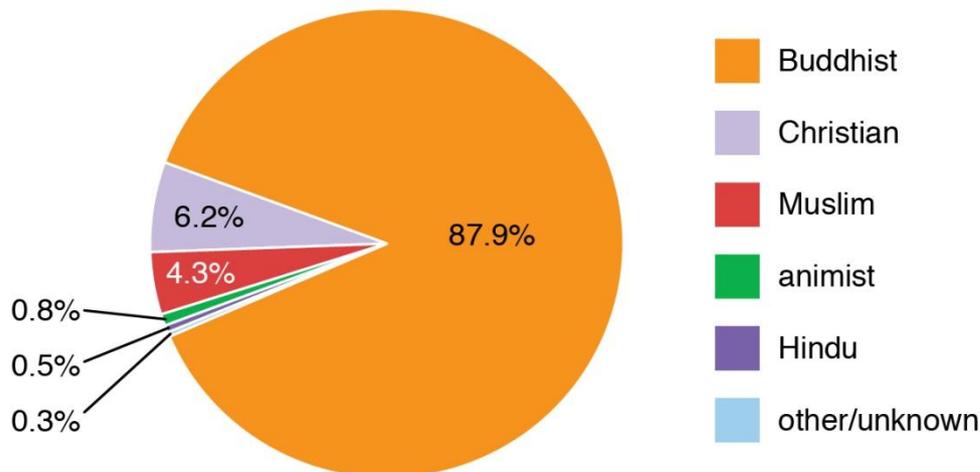
when their existence is even acknowledged. Asia's more than 1 million ethnic Rohingya Muslims are considered to be among the most persecuted people on Earth. Most live in an anachronistic purgatory without passports, unable to travel freely or call any place home.

Given the pervasive use of the term "Rohingya" since 2012, it is important to note that it actually took years to gain name recognition, even among the Muslims themselves. As an ethno-religious brand, it has been, until today, a term rivaled in Arakan by the appellation "Arakan Muslim" or "Rakhine Muslim", which were never well received and even openly rejected by Rakhine Buddhists. The quasi-monopoly that the term "Rohingya" enjoys in the media today did not yet exist in the early 1950s (Leider.J, 2015). "Rohingya" was indeed recognized in most media, not as an ethnic or religious denomination, but as the appellation of insurgents that resisted the Myanmar government and "sought the creation of an independent Muslim state near Bangladesh". "Rohingya" became popular after 1995 through English-language reports about the human rights and humanitarian situation in northern Arakan.^y

The area of eastern Rakhine (Arakan) was home to the Rohingya for about a thousand years (Ahmed, 2010). An independent kingdom for two thousand years, Arakan became a part of Burma in 1785 after being invaded by the Rakhine (Ahmed, 2010, p. 13). The people of Arakan, mostly Hindus and Muslims, were referred to by the Rakhine as kula or dark-skinned people. They fled to what is today northern Arakan and came to be commonly known as the Rohingya.

Rohang, the old name of Rakhine (Arakan), was very familiar region for the Arab seafarers even during the pre-Islamic days. Tides of people like the Arabs, Moors, Turks, Pathans, Moghuls, Central Asians, and Bengalese came mostly as traders, warriors, preachers and captives overland or through the sea route. Many settled in Arakan, and mixing with the local people, developed the present stock of people known as ethnic **Rohingya**. Hence, the **Rohingya** Muslims, whose settlements in Arakan date back to 7th century AD are not an ethnic group which developed from one tribal group affiliation or single racial stock. They are an ethnic group developed from different stocks of people. The ethnic **Rohingya** is Muslim by religion with distinct culture and civilization their own. They trace their ancestry to Arabs, Moors, Pathans, Moghuls, Central Asians, Bengalis and some Indo-Mongoloid people. Rohingya are nationals as well as an indigenous ethnic group of Myanmar (Burma).

Religious affiliation (2014)



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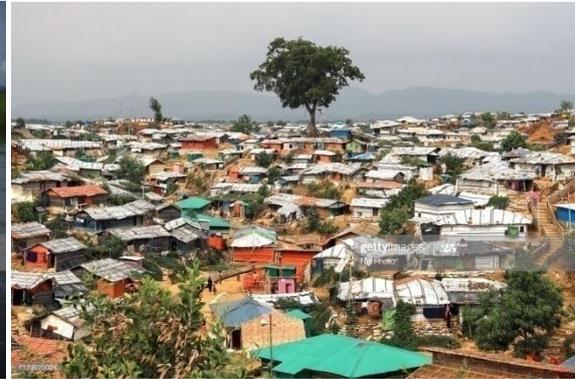
Summarize of Rohingya Muslim

- Sunni Muslims.
- Make up 1/3 of Rakhine state's population.
- 1,100,000 in Myanmar.
- Significant population in Saudi Arabia, Bangladesh, Pakistan, Thailand and Malaysia.
- Government claims they are illegal immigrants from Bangladesh and rejects them as one of the nation's 135 official ethnic groups.
- Most live in MaungDaw and Bu ThiDaung townships.

Sources: warzone initiative



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2

1. A view of Rohingyas who are cross the Naf River to escape from Myanmar.

2. A view of a refugee camp in Cox's Bazar, Bangladesh, for who have fled from the oppression of ongoing military operations in Myanmar Rakhine state.

Origin

When Rohingya Muslim came to Myanmar? It has answer in two types of approach 1.Historian approach 2.Myanmar government approach.

Most of historians are giving discussion that at the beginning of the fifteenth century; the Kingdom of Rakhine sought Bengali assistance against the encroachment of the Kingdom of Myanmar and recognized the sovereignty of the Muslim sultan of Bengal. Rakhine remained under Bengali control until 1531. During that period, there was considerable Bengali Muslim influence on Rakhine in many walks of life and many Bengali Muslims settled in various parts of Rakhine. Many more came to serve as mercenaries in Rakhine's army, usually as members of the royal guard. These units were continually reinforced by Muslim mercenaries from different parts of the Indian sub-continent.^{vi} Many others arrived during the nineteenth and early twentieth century's when Rakhine was governed by colonial rule as part of British India, but Myanmar Govt. do not agree with this. According to Myanmar Govt. it is legally unrecognized as the Myanmar citizenship law accepted the Rohingya to be a national ethnic identity amongst the 135 recognized ethnic groups. Similarly, some Indian ethnic groups have lived in Myanmar for a long time. They had no similarities with the Buddhists in terms of language, culture, dress etc. That is why, millions of Indian ethnic groups deported in 1960s. In fact it is related to ethnic reason not religion.

Another side, the Myanmar government still refutes any repatriation operations of the displaced refugees who do not have any documentation though it is said that the Myanmar authorities have reached an agreement with the UN to start safe repatriation of the Rohingya.^{vii} That is why Govt. does not think that Rohingya are citizen of Myanmar.

Background

Muslim has lived in Burma (Myanmar) since the 11th century AD. In 1921 the population of Muslims in Burma was around 500,000 during British rule; Burmese Muslims were seen as 'Indian'. The Rohingya people live in the northern part of Rakhine State, which is a mountainous area that is separated from the rest of Myanmar. While Myanmar has almost 140 ethnic groups, Rohingya are not officially recognized as an ethnic group. The Myanmar government has imposed various strict restrictions on Rohingya people, such as denial of citizenship, forced labor, forced eviction, land confiscation and restrictions on freedom of movement.^{viii}

Burma (Myanmar) became a British colony after the Burma war between British and Burma. After the colonization, the British started farming there and they are evolving farming there to Buddhist, Rohingya Muslims and other minorities. Until the Second World War, the Rohingya were heavily attacked by the Buddhist people. The British promised the Rohingya separate land- a 'Muslim National Area'- in exchange for support during the Second World War. So, the Rohingya sided with British while Myanmar's nationalists supported the Japanese. But after the end of Second World War when Myanmar became independent in 1948, the Rohingya were not given any separate territory and they did not get any fundamental right. Then, Rohingya Muslim

protested against the Myanmar government in 1950, the Myanmar army used force to stop the protest. From here, the situation of Rohingya becomes deplorable.

When General Na Win came to power in 1962, the status of Rohingya Muslims was changed. The anti-Buddhist actions of the Taliban in Afghanistan (the destruction of the Buddha's of Bamiyan) were also used as a pretext to commit violence against Rohingya Muslim in Burma by Buddhist mobs.

The situation of Rohingya Muslim started getting worse after the 'Burma citizenship law' has been passed in 1982. Despite Burma's diversity, with 135 ethnic groups legally recognized by the 1982 Burma Citizenship Law, the Rohingya are not listed as such, although many have lived in Burma for generations. Thus the Rohingya remain stateless, with a total population in Burma of approximately 800,000, a component of the four percent of the Burmese population who are Muslim in a country that is 90% Buddhist. The Rohingya have been much maligned, called 'ugly as ogres,' dirty, terrorists, and 'kalar,' a racial slur. Myanmar's government refers to the Rohingya as 'Bengalis' or 'illegal Bengalis,' which speaks of their status as uprooted Bangladeshi immigrants during the British occupation.^{ix} Since 1982, Myanmar Govt. started anti-campaigning against the Rohingya Muslim as Foreigners, and killing, rapes and persecutions have begun by the Myanmar army.

Reason behind all this:-

- Rohingya Muslim has helped to British when British try to colonize Myanmar. Although they were working as soldier for British military.
- There was religion conflict between Buddhist and Muslim. Buddhist people were majority but Rohingya Muslim was Minority people in Myanmar.
- Myanmar government and Buddhist people begun to think that Rohingya Muslim was illegal immigrant in Myanmar when 'Burma Citizenship Law' has been passed in 1982. That is why, they have not any kind of basic fundamental right (right to speech, right to liberty and equality, right to education, right to security, right to marriage etc).
- There was conflict between Rohingyas leaders. Rohingya Muslims was illiterate, poor and unawareness to the reality.

Human right condition in Rakhine state

Myanmar is a low middle-income country with a gross domestic product of US\$1240 per person.³⁷ Rakhine State is one of the poorest in Myanmar, having long suffered neglect and underdevelopment. Nearly half of Rakhine residents live in poverty, compared with a quarter nationally. Consequently, non-Rohingya residents of Rakhine State lack facilities and basic services. This economic deprivation has further exacerbated human rights violations of Rohingya, because deprivation of economic and social goods deriving from willful omission on the part of a State could be considered a violation of human rights,³⁹ and in the context of the explicit civil and political oppression of the Rohingya in Myanmar would constitute a violation of the right to dignity (Sen, 2008). By the ferocious acts done by Myanmar government towards Muslims such as denying humanitarian aids, burning housing areas, raping Muslim women, killing innocent peoples, rejecting citizenship rights, and other discriminations obviously show the rebellion of this country over the agreed ASEAN Human Rights Declaration of 2012.^x

Why Rohingya Muslim fleeing from Myanmar:-

Many kind problem faced by Rohingya Muslim since monarchy system to military rule in Myanmar (Burma), and after new Burma citizenship act (1982) they are extremely oppressed by the Buddhist people and Myanmar government. They have faced problems before 1982, these are:-

- ❖ Migration of millions of Rohingyas internally or externally.
- ❖ Live in inhuman condition prone to abuse.
- ❖ Live in crowded camp in edge of the Myanmar.
- ❖ Innocent Rohingyas has been died when frequent strike with Myanmar army.
- ❖ None of neighboring country such as Thailand, Indonesia. Vietnam willing to accept them.

Massive brutal Military operation against Rohingya minority in Myanmar

Military operation: Genocide 1962

All of Rohingyas rights ended in 1962, when the military took power and General Ne Win established an absolute military dictatorship. At this time, citizenship rights were also lost as the new administration issued Foreign Registration Cards (FRC) to the Rohingya. That is why, restricted Rohingya citizenship by identifying them as illegal foreigners (blounqist2015). Over the years the military regime which ruled Myanmar since 1962 made several attempts to drive the Rohingya out of Rakhine State.

Military operation: Genocide 1978

The most intensive effort being “King Dragon operation” in 1978 which resulted in over 200,000 Rohingyas people fled to Bangladesh where they have since lived in appalling conditions in refugee camps. The army followed this offensive with the Naga Min operation: a campaign of murder, rape, and torture targeted specifically at the Muslim population, and designed to drive the “foreigners” out of Burma and “back to” Bangladesh. The army burned villages, destroyed mosques, and herded people into fenced stockades.^{xi}

Military operation: Genocide 1992

A military operation in 1992 forced another 250,000 Rohingya into exile. By June 2012 it was estimated that there was a total of 1.5 million Rohingya refugees living in Saudi Arabia, Pakistan, India, Malaysia and Bangladesh. The Burmese army has locked up and destroyed mosques and Islamic schools (usually using forced Muslim laborers), beaten Rohingyas at prayer, prohibited most religious activity, and arrested and tortured teachers and students of Islam.^{xii}

Military operation: Genocide 2012

The violence in 2012, over 87,000 Rohingya has fled the country in rickety boats, putting their lives in jeopardy on a dangerous sea passage at the hands of human traffickers. Over 800,000 remain in harsh conditions in Myanmar, while over 300,000 live in Bangladesh where conditions are not much better. Others have escaped to Thailand, Malaysia, or Indonesia where they face deadly situation [1]. To European commission, in 2012 widespread violence in Rakhine left some 140 000 people, mostly Rohingya, displaced.^{xiii}

Military operation: Genocide 2016

The Rohingya persecution in Myanmar refers to the ongoing 2016 military crackdown by the Myanmar Army and police on Rohingyas in Rakhine States in the country's northwestern region. While the majority of Rohingyas are Muslim, attacks have also occurred against Hindu Rohingyas. The Myanmar army has been accused of wide-scale human rights violations, including extrajudicial killings, gang rapes, arson and infanticides. The de facto head of government Aung San Suki has particularly been criticized for her inaction and silence over the issue and for not doing much to prevent military abuses

Military operation: Genocide 2017

Clashes in Rakhine broke out again in August 2017 after a militant group known as the Arakan Rohingya Salvation Army (ARSA) claimed responsibility for co-ordinate attacks on police and army posts. “Leave, or we kill you” all an alarmed group of Rakhine Buddhist civilians told the Rohingya of one villages, according to an exclusive — (Md.Sohel.S, 2017)

In late 2017, the Myanmar military forces and local Buddhist extremists attacked the Rohingya people and committed atrocities against them in the country's north-west Rakhine state. The atrocities included attack on Rohingya people and locations, looting and burning down Rohingya villages, mass killing of Rohingya civilian's gang rapes and other sexual violence. During the persecution, the military and the local Buddhists killed at least 10,000 Rohingya people, burned down and destroyed 354 Rohingya villages in Rakhine state, looted many Rohingya houses, committed widespread gang rapes and other forms of sexual violence against the Rohingya Muslim women and girls.^{xiv}

According the United Nations reports, as of journey 2018, nearly 6, 9 10,000 Rohingya people had fled or had been driven out of Rakhine state.

CNN Spokesman William Spindler said 270,000 Rohingya had crossed the border since August 25, when clashes began .Yanghee Lee, the United Nations Special Reporter on Human Rights for Myanmar, said Friday that at least 1,000 people had been killed in the violence over the past two weeks, though she said that figure is “very likely an underestimate.” [16]. More than 4, 80,000 Rohingya refugees have fled into Bangladesh since late August 2017 during violence in Myanmar's Rakhine state. Recent satellite images released by Amnesty International provided evidence that security forces were trying to push the minority Muslim group out of the country. According to reports, the Rohingya crisis has left at least 1,000 people dead, including children and infants.

Current crisis

Violence broke out in northern Rakhine state on 25th August 2017, when militants attacked government forces. In response security forces supported by Buddhist militia launched a ‘clearance operation’ that has killed at least 1000 people and forced more than 500,000 to flee their homes. Refugees have spoken of massacres in villages, where they say soldier raided and burned their homes satellite analysis by human rights watch has shown evidence of fire damage in urban areas populated by Rohingyas as well as in isolated villagers. More than 310000 people had fled to Bangladesh by 11 September. Most refugees are now living in established camps, makeshift settlements or sheltering host communities.

Migrant of Rohingyas

Presently, there are about 1.1 million Rohingya refugees in Bangladesh.² According to the UNICEF, children make up nearly 60 percent of them. Besides, there are 40,000 refugees in India, 5,000 in Thailand, 150,000 in Malaysia, 1,000 in Indonesia, 350,000 in Pakistan, 10,000 in UAE, and 200,000 in Saudi Arabia according to a report by Al Jazeera Channel.³ However, Myanmar strongly rejected international pleas for repatriation, and it has planted landmines along the border with Bangladesh to ensure that the fugitives do not return. So, the Rohingya exodus is definitely the largest exodus in the 21st century. The Rohingya distressed migration may remain for decades if the southern Asian countries, be it Myanmar, Bangladesh or India, take no serious steps to settle the Rohingya identity issue.

Recently, within a 3-month period since 25th of August 2017, between 500,000–600,000 Rohingya have escaped en masse from their homeland in the northern part of the state of Rakhine in Myanmar to Bangladesh (mostly to Cox's Bazar in the south-eastern corner of that country).⁶ Prior to that date, as far back as 1990 approximately, 300,000 Rohingya had already escaped into Bangladesh, primarily focused in the two Upozila (analogous to counties) of Ukhia and Teknaf. Additionally, many refugees went to the seas (Bay of Bengal) mostly in boats and make-shift rafts trying to find refugees especially in Malaysia, Thailand and Indonesia. In many instances, they were harshly turned away with many not surviving.⁷ This recent surge of escaping refugees was in response to the military crack-down on the Rakhine State after a small group of Rohingya militants attacked some police posts in retaliation to the extreme oppression they were enduring at the hands of their government. During the last week in August 2017 at the Myanmar/Bangladesh boarder in no-man's land along the Naf River, 20 Rohingya bodies were retrieved, 12 were children. The United Nations observers estimated that about 50,000 crossed in that same area in about one weeks' time. Many more thousands are still stranded trying to flee from the extreme violence now ongoing. Those that have arrived in Bangladesh are mostly women and children traumatized by their experiences, many with wounds from bullets, shrapnel, fire and landmines.⁹ This is a humanitarian emergency of major proportions requiring a significant international response to prevent further loss of life. To date there are approximately 850,000 displaced Rohingya in Bangladesh with thousands more waiting in peril in the isolated space along the Naf River between Myanmar and Bangladesh. This situation 'has triggered the largest and fastest flow of destitute people across a border since the 1994 Rwandan genocide'.

Response from states involved

Myanmar's Govt. has this year set up an advisory panel headed by former UN secretary General Kofi Annan to find 'lasting solution' to the conflict in Rakhine state. Further resettlement plan being put to practice by the Myanmar's Govt. demands proof of residence for the past 60 years before granting them naturalized citizenship.

Indonesia: - The existence of Rohingya asylum seekers in Indonesia has several significant implications. First, Indonesia itself has almost never accepted consistent mass influxes of asylum seekers since the presence of "Boat People" from Indochina as a result of the Vietnam War dating back as far as the late 1980s. Indonesia experienced yet another new wave of asylum seekers in the 2000s due to the conflict in the Middle East and this condition continued up until the subsequent years with the number of refugees continuing to increase explosively.^{xv} Secondly, in the case of Rohingya, particularly in Aceh, it has been the first time we see the handling of asylum seekers and refugees in Indonesia involving quite diverse actors. Such handling does not only involve the central government, but also the local government and civil society organizations. Even though it is not burdensome to them, the local government has a major role in the handling of shelter for asylum seekers.^{xvi}

Australia: - Australia has been refusing to take the Rohingya coming from Indonesia. Australia refused settlement to earlier migrants who had arrived by boat.

Bangladesh: - Bangladesh tightened border patrol and asked Myanmar to take them back.

New NLD Govt in Myanmar: - New govt. largely ineffective in tacking internal security and humanitarian issues and army still renunms a powerful institution.

Gambia role in Rohingya migrant

Gambia is the only country in the world to file Rohingya genocide case against Myanmar in an International Court of Justice (ICJ). On December 11, 1948, 150 countries signed 'convention of the prevention and punishment of the crime genocide' to prevent genocide in the world. Gambia and Myanmar also have signed this treaty. Therefore, any member of the countries that have signed the treaty can file a genocide case in the ICJ against any countries.

The Gambia began preceding the case in November 2019 and appealed to the ICJ to stop the all current abuses by the Army to the Rohingyas. Myanmar agrees to Gambia's demand and promises to appear in ICJ.

In ICJ hearing, leader of Myanmar state An Sunn Suki was appear. Although senior diplomat of foreign ministry or senior bureaucrats are usually present there.

Is it Genocide?

Genocide means ‘the use of deliberate systematic measures (as killing, bodily or mental injury, unliveable conditions, prevention of births) calculated to bring about the extermination of a racial, political, or cultural group or to destroy the language, religion or culture of a group’ (Dussich, 2018). This is ‘strong evidence that genocide is being committed against the Rohingya people’ and thus this is an appropriate term to use in the case of the ongoing victimizations of the Rohingya minority from Myanmar. According to article 30 of the convention, genocide means any of the following acts committed with intent to destroy in whole or in part, a national, ethnic, racial or religious group as such:-

- I. Killing members of the groups.
- II. Causing serious bodily or mental harm to member of the groups.
- III. Deliberately inflicting on the group conditions of life calculate to bring about its physical destruction in whole or in part.
- IV. Imposing measures intended to prevent births within the groups.
- V. Forcibly transferring children of the groups to another groups.

The above acts like serious bodily or mentally harm, physical destruction, killing members of the groups has also happened in the case of Rohingyas. So it can be said that it was genocide.

From the outset, Ibrahim’s *The Rohingyas: Inside Myanmar’s Hidden Genocide* takes a clear stance that the Rohingya are facing the threat of genocidal extermination, supported by global indifference to their plight. Bearing in mind that the genocide is defined in international law as “acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group,” Ibrahim begins his case by establishing that the Rohingya constitutes a coherent ethnic group with deep historical links to the Arakan region (United Nations, 1948). Ibrahim sees as leading towards potential genocide. When the military took control of the state in 1962, tentative tolerance gave way to repressive measures that redefined the Rohingya as aliens in Myanmar leading to a denial of their legal rights. One of the most notable measures taken to marginalise them occurred in the 1990s when the Rohingya were stripped of their state identity cards and given “Temporary Registration Cards” as part of the process of adjudicating who belonged to the country and who did not. This process, to date, was never completed, and in 2015, the Rohingya were even deprived of this temporarily accorded status and were not permitted to take part in the national elections. Ibrahim contends that these measures depict the establishment of “preconditions to genocide,”

India’s response to this issue

The influx of Rohingyas population in India started in 2012- 13 and there are more than 40,000 residing in India. • In 2014, in Lok Sabha the situation of Rohingyas was discussed and debated as well. • Recently, the Government of India has taken the stand that the Rohingyas’ population in India is a potential threat to its national security, therefore need to be deported. • It is challenged in the Supreme Court of India, on the ground of violation of Article 21 of Indian Constitution and jus cogens obligation under international law pertaining to the principle of non-refoulement.^{xvii}

At present status of Rohingyas is in question. For Myanmar, Rohingyas are refugees from Bangladesh, For Bangladesh Rohingyas are refugees from Myanmar and for India Rohingyas are illegal migrants.

Solution

- i. India can appoint a special ambassador for the crisis who will engage discreetly with the Myanmar Govt. and help resolve the crisis.
- ii. By raising the issue on local forums such as ASEAN and BIMSTEC and appealing to Myanmar to resolve the crisis ethical grounds.
- iii. By using its immense soft power to convince a Buddhist conference under the leadership of Dalai Lama and persuading the Buddhist majority to peacefully resolve the crisis.
- iv. By drawing attention to the west to this solution and raising the issue to an importance similar to the Syrian refugee crisis to garner world’s attention and quicker resolution.
- v. By participating effectively in the advisory commission on the settlement of the problem in Rakhine state (ACSPRS) set up by Kofi Annan.

At last, if there is going to be any solution for the Rohingya, it should start with the identity issue; the 1982 citizenship law has to be modified to include the Rohingya as an official national ethnic group that qualify for nationality right. Also, those who were brought to Myanmar or migrated to it during the British colonial must be considered citizens of Myanmar. The international community, particularly the UK as the main responsible of the Rohingya plight, and its allies have to exercise diplomatic pressures on the Myanmar authorities to convince them modify the citizenship law and grant the Rohingya nationality right. Furthermore, there must be guarantees from the Myanmar government for safe repatriation of refugees to their homes.

Moreover, the countries where the Rohingya are currently taking refugee think that they are associated with a terrorist organisation. This idea is not true at all. Because there may be a number of Rohingya involved, not all Rohingyas live in misery, it would be against humanity. Therefore, first of all the state should take action by identifying the Rohingyas who are associated with terrorist organizations and formulate a policy on the issue of the rest of the Rohingyas from a humanitarian point of view, so that they can get citizenship and enjoy fundamental rights like ordinary citizens. This is the ultimate solution to end the crisis of the identity of the Rohingya.

Conclusion: This article investigated the issue of Rohingya identity crisis. The Rohingya are still stateless since their identity is unrecognised by the Myanmar successive governments. The 1982 citizenship law considered them as an alien group that did not belong to any national races. This citizenship law is the root cause of the Rohingya identity plight along with colonialism. Yet, the Rohingya have insisted on their identity, determined to identify themselves as national race that inhabited Myanmar for generations and that they must qualify for citizenship. Rohingya identity is still not recognised as a national identity or even an ethnicity by the Myanmar government, though it has been historically ethnic and cultural identity. The Rohingya are the only group whose citizenship in Myanmar is still unresolved and contested by the Myanmar government and people. The Rohingya have been deliberately excluded. For generations, they used to call themselves ‘Rohingya’, but now they are referred to as stateless refugees, as ‘floating people’ and as resident foreigners. They are not protected because they lack national identity. Rohingya were displaced and enforced to leave their homes and villages. Besides, the South Asian countries’ stance from the Rohingya identity is vague. There are nearly two millions Rohingya refugees living in Bangladesh, India, Thailand, Malaysia, UAE, and Saudi Arabia. Bangladesh, though being a Muslim majority, considers the displaced Rohingya who have crossed its borders and are living outside of camps as illegally infiltrated refugees from Myanmar. It offers two options: the first is to send Rohingya refugees to the remote uninhabitable island Thengar Char in the Bay of Bengal. The second is to send them back to Myanmar and requested the UN to assure safe zones in Rakhine state. The Rohingya crisis can be solved. For this, in all the countries where they are living as migrant, citizenship has to be given by enacting laws from the humanitarian point of view and for those who want to return to Myanmar; the Myanmar government has to make arrangement for their protection and for that, UNCHR has to put pressure on Myanmar.

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